

Notice of Allowability	Application No.	Applicant(s)	
	09/812,763	GROHN, OSSI ILARI	
	Examiner	Art Unit	
	Khanh Tran	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 11/02/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. The Amendment filed on 11/02/2005. Claims 1-15 are pending in this Office action.

Response to Arguments

2. Applicant's arguments, see page 6 of the Amendment, filed on 11/02/2005, with respect to claims 20-23 have been fully considered and are persuasive. The rejection of claims 2-23 has been withdrawn after Applicant cancelled all rejected claims.

3. The objection of claims 21-22 has been withdrawn after claims are cancelled.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

4. Claims 1-5 are allowed.

Regarding claim 1, claim 1 is allowed over prior art of record since the cited references, taken individually or in combination, fail to particularly disclose an enhanced capacity communication system comprising uniquely distinct features "a phase modulator that receives an additional data signal and the transmit clock pulse signal, the phase modulator provides a sinusoidal jitter modulation that phase modulates the clock pulse signal by introducing intentional jitter at clock pulse transitions responsive to the

additional data signal, the additional data signal thereby modulates the transmit clock pulse signal to provide a phase modulated transmit clock pulse signal that is delivered to the framer for inclusion with the data signal to create a combined data signal and additional data signal that is transmitted via the communication link to the receiving device for decoding and further use". The closest prior art, Pearce (US 5,515,404) disclosing a jitter-generating device, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

5. Claims 6-11 are allowed.

Regarding claim 6, claim 6 is allowed over prior art of record since the cited references, taken individually or in combination, fail to particularly disclose an enhanced capacity communication system comprising uniquely distinct features "a phase modulator that receives an additional data signal and the transmit clock pulse signal, the phase modulator provides a sinusoidal jitter modulation that phase modulates the clock pulse signal by introducing intentional jitter at clock pulse transitions, the sinusoidal jitter modulation having selectable jitter frequencies each having a given amplitude, the additional data signal having additional data encoded in a format of binary ones and zeros, such that the appearance of binary one in the additional data signal causes the phase modulator to select one of the jitter frequencies of a given amplitude, whereas the appearance of binary zero causes the phase modulator to select another frequency of a given amplitude, the additional data signal thereby modulates the transmit clock pulse signal to provide a phase modulated transmit clock pulse signal that is delivered

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to the framer for inclusion with the data signal to create a combined data signal and additional data signal that is transmitted via the communication link to the receiving device for decoding and further use". The closest prior art, Pearce (US 5,515,404)

disclosing a jitter-generating device, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

6. Claims 12-15 are allowed.

Regarding claim 12, claim 12 is allowed over prior art of record since the cited references, taken individually or in combination, fail to particularly disclose an enhanced capacity communication system comprising uniquely distinct features "the data encoded signal having encoded format of binary ones and zeros, such that the appearance of binary one in the data encoded signal causes the phase modulation of the clock pulse signal by the selection of one of the jitter frequencies of a given amplitude, and the appearance of binary zero causes selection of another frequency of a given amplitude to thereby modulate the clock pulse signal and provide the phase modulated clock pulse signal that includes the data on the data encoded signal". The closest prior art, Pearce (US 5,515,404) disclosing a jitter-generating device, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

Khanh Cong Tran

12/09/2005

Examiner KHANH TRAN